

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 752

Case No. 93-12

(Text Amendment - Campus Plan Provisions)

February 14, 1994

By letter dated September 30, 1993, District of Columbia Councilmember James Nathanson petitioned the Zoning Commission for the District of Columbia to amend the campus plan provisions of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

The letter, more specifically, "requested the Zoning Commission consider an amendment to require that any relocation of a major use within or outside the campus plan, even if to a so-called matter of right use, be subjected to Board of Zoning Adjustment (BZA) review and approval."

Pursuant to 11 DCMR 3011.1 and by memorandum dated October 21, 1993, the Office of Zoning referred the letter to the Office of Planning (OP) for a preliminary report and recommendation about whether the petition had sufficient merit to warrant the authorization of a public hearing.

By memorandum dated January 7, 1994, the Office of Planning (OP) indicated, in part, the following:

"The preponderance of disadvantages over advantages as indicated in this report suggest that the proposed amendment is not justified. However, because of the strong interest in the issue by some citizens and Advisory Neighborhood Commissions (ANCs) in the vicinity of universities, the Zoning Commission may wish to consider holding a public hearing."

By resolutions dated October 19, and 27, 1993, Advisory Neighborhood Commission (ANC) 3F unanimously voted to support the request. ANC-3F indicated that the Zoning Commission and the Office of Planning should expeditiously schedule a public hearing on Councilmember Nathanson's proposed amendment, and adopt the amendments following public hearing.

By resolution dated October 26, 1993, ANC-2A voted to support Councilmember Nathanson's request. ANC-2A is of the opinion that at this point in time, neither zoning regulations nor campus plans are effective in terms of adequate planning, and in minimizing adverse impact upon the neighborhood.

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By letter dated December 6, 1993, ANC-3G voted unanimously to support the text amendment change to 11 DCMR 210 proposed by Councilmember James Nathanson. The ANC indicated that a number of institutions lie within its boundaries that require campus plan review for any proposed development change.

By letter dated December 20, 1993, ANC-3C voted unanimously to support Councilmember James Nathanson's proposal to amend the campus plan regulations, and urged the Zoning Commission to set this text case for public hearing at the earliest possible date. ANC-3C stated that as universities have grown and become big business, their special exception status within low density residential districts has generated counter productive tensions.

By letter dated December 20, 1993, ANC-3D unanimously voted to support Councilmember Nathanson's proposal for a clarification to the Zoning Regulations that would require that any relocation of a major use within or outside a Campus Plan, even if to a so-called matter of right zone, be subjected to review and approval by the Board of Zoning Adjustment.

By letter dated December 23, 1993, ANC-3B expressed its support for Councilmember James Nathanson's proposed amendment to Section 210 of the Zoning Regulations regarding campus plans.

By letter dated January 5, 1994, the Glover Park Citizens Association also expressed its support for the amendment.

By letter dated October 20, 1993, John B. Wyss of Wiley, Rein & Fiedling expressed opposition for the proposed amendment. Mr. Wyss indicated that "this proposal represents an unwarranted and short-sighted corruption of the entire zoning process, is grossly unfair to American University, and will severely prejudice all of the neighborhoods surrounding the University campus."

By letter dated January 7, 1994, Monte P. Shepler, President of the Consortium of Universities of the Washington Metropolitan area expressed opposition to Mr. Nathanson's proposal. Mr. Shepler's letter indicated that the proposal is unfortunate and counter productive, and that it singles out universities for treatment not given to any other use.

On January 10, 1994 at its regular monthly meeting, the Zoning Commission considered the petition to determine whether to authorize the scheduling of a public hearing. The Commission also considered the OP preliminary report, the letters and resolutions from the ANCs and the comments in opposition.

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The Commission was not persuaded by the reasons advanced by the petitioner for authorizing a public hearing.

The Commission concurs with the OP rationale but does not concur with the position of ANCs 2A, 3B, 3C, 3D, 3F or 3G.

The Zoning Commission believes that the present campus plan review and control process provides strong public controls which mandate participation by neighbors of universities.

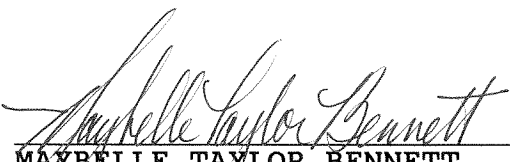
The Zoning Commission further believes that the petition, as filed, does not have sufficient merit to warrant the authorization of a public hearing, is not in the best interest of the District of Columbia, and is inconsistent with the intent and purpose of the Zoning Regulations and the Zoning Act.


Upon consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **DENIAL** of Z.C. Case No. 93-12 without a public hearing.

Vote of the Zoning Commission taken at its regular monthly meeting on January 10, 1994: 3-1 (William L. Ensign, William B. Johnson and John G. Parsons, to deny without a hearing - Jerrily R. Kress, opposed and Maybelle Taylor Bennett, not voting having recused herself from the case).

This order was adopted by the Zoning Commission at its regular monthly meeting on February 14, 1994 by a vote of: 3-1 (John G. Parsons, William B. Johnson and William L. Ensign to adopt - Jerrily R. Kress, opposed and Maybelle Taylor Bennett, not voting, having recused herself from the case).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on .


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. ROBINSON
Director
Office of Zoning

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